

**SUMMARY OF MAJOR CHANGES TO CHAPTER 52
DOD 7000.14-R, VOLUME 7B
MILITARY PAY POLICY AND PROCEDURES FOR RETIRED PAY**

New and revised instructions are indicated by a ★ placed immediately before the new or revised section, paragraph, subparagraph, Decision Logic Tables, etc.

Page	Paragraph	Explanation of Change/Revision	Effective Date
52-1 through 52-4	Inserts a new Chapter 52	Inserts a new Chapter 52 and redesignates the existing Chapters 52 through 59 as 53 through 60.	Dec 01, 1997

★ CHAPTER 52

ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES (ACMSS)5201 TEMPORARY AUTHORITY FOR ACMSS

Public Law 105-85 (reference (fu)) provides temporary authority to pay certain military surviving spouses who are qualified surviving spouses effective December 1, 1997, through September 30, 2001.

5202 ANNUITY APPLICATION

A qualified surviving spouse submits a claim, DD Form 2769, to the Military Service concerned. The Military Service reviews the claim and determines whether the applicant is qualified for an ACMSS annuity. If information is unavailable from existing records (such as the Defense Enrollment Eligibility Reporting System), the applicant may be required to submit the following documentation to the Military Service: certified copies of the member's death certificate, marriage certificate, DD Form 214 (Certificate of Release or Discharge From Active Duty), retirement order, retired pay statement, or any additional information needed to substantiate the claim. The Military Service notifies an applicant on the disposition of the claim within 60 days. The Military Service forwards the approved claim to the appropriate finance center responsible for payment.

5203 DEFINITION OF A QUALIFIED SURVIVING SPOUSE AND DECEASED RETIRED MEMBER

520301. A qualified surviving spouse is defined as a spouse who:

A. Is not qualified for an annuity under any other provision of Title 10, United States Code (U.S.C.), chapter 73, (reference (c)), (Retired Serviceman's Family Protection Plan, Reserve Component Survivor Benefit Plan, or Survivor Benefit Plan (SBP));

B. Is not entitled to an annuity under section 4 of Public Law 92-425 (Minimum Income Widow's benefit) (reference (ew));

C. Was married to a deceased retired member of a Uniformed Service described below at the time of such member's death and has never been remarried; and

D. Either was married to the member at the time the member became eligible for retired pay, or had been married to the member for at least one year before the date of death, or was the parent of a child born of such marriage.

520302. A deceased retired member is one who did not decline participation in the SBP and who:

A. Retired before September 21, 1972, died before March 21, 1974, and was entitled to retired or retainer pay on the date of death, or

B. Was a member of a Reserve Component during the period beginning on September 21, 1972, and ending October 1, 1978, who died before October 1, 1978, and at the time of death would have been entitled to retired pay under 10 U.S.C. 1223 (reference (c)) (as in effect during December 1, 1994) except for not yet being age 60.

5204 PAYMENT OF ANNUITY

520401. Payment Effective Date. Upon receipt of a validated claim endorsed by the Military Service, the responsible finance center shall begin payment to a qualified surviving spouse within 30 days. The monthly payments begin effective December 1, 1997.

520402. Representative Payee. ACMSS payments due to a mentally incompetent person, or otherwise legally disabled person for whom a guardian or other fiduciary has not been appointed, may be paid to a representative payee, the same method as SBP. See Chapter 46, paragraph 460103 of this volume.

520403. Report of Existence (ROE) and Certificate of Continued Eligibility (COE). The procedures for ROE and COE on SBP annuity payments also apply to ACMSS payments.

520404. Debt Collection. Overpayments of annuity are subject to the same collection method as SBP. See Chapter 29 and Chapter 47 of this volume.

520405. Taxability. The taxability of ACMSS payments is similar to the method used for SBP annuity. See Chapter 53 of this volume.

520406. Death of Annuitant. The annuity terminates on the first day of the month in which the annuitant dies.

520407. Arrears of Annuity. Any amounts that are due and payable at the time of the annuitant's death may be paid in accordance with the provisions of section 3103 of this volume. The annuity will be paid only upon receipt of a properly executed and documented claim, approved by the Secretary of the Service concerned (or designee).

520408. Remarriage. The annuity terminates the first day of the month in which the annuitant remarries.

520409. Expiration of Authority. The authority to pay ACMSS annuities expires September 30, 2001.

5205 AMOUNT OF ANNUITY

520501. The annuity to a qualified surviving spouse is \$165 per month and the annuity increases at the same time and at the same percentage as military retired pay increases under 10 U.S.C. 1401a(b)(2) (reference (c)). The first cost-of-living adjustment under 10 U.S.C. 1401a(b)(2) is effective December 1, 1997, and the annuity payable is \$168.47 per month. The provision for rounding monthly SBP annuity, found at 10 U.S.C. 1451(g)(2) (reference (c)), is not applicable.

520502. The annuity is subject to offset by the amount of Dependency and Indemnity Compensation. Social security offset does not apply.

5206 FUNDING

Annuities must be funded by the approving Military Service from O&M funds for the fiscal year in which the payment is made.

Chapter 52-Annuities for Certain Military Surviving Spouses (ACMSS)

Public Law 105-85,
section 644,
November 18, 1997
OASD/MPP Memo,
May 6, 1998